IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

CRL.A.No. 184 of 2000()

ST.94/1997 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, TRIVANDRUM

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APPELLANT:

P.VIJAYA KUMAR,
ANANTHAPURI, KADIAPATTANAM LANE,
MANACAUD P.O., THIRUVANANTHAPURAM

BY ADV. SRI.R.MANOJ

RESPONDENTS:

N.K.S.SREEDHARAN, WORKING AT 1065341 P.,
F COY, 11 RR BN,
C/O.56 APO RESIDING AT GOKULAM,
T.C.41/1340, MANACAUD, THIRUVANANTHAPURAM-9

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.184 of 2000(A)

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Dated this the 16th day of July, 2007

J U D G M E N T

The appellant is the complainant in S.T.No.94/1997 in the file of the Judicial Magistrate of First Class Court-V, Thiruvananthapuram, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 16/08/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.184 of 2000(A)

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J U D G M E N T

16th July, 2007